

**CITY OF EL PASO, TEXAS
REQUEST FOR COUNCIL ACTION (RCA)**

DEPARTMENT: Purchasing Department

AGENDA DATE: December 14, 2004

CONTACT PERSON/PHONE: Byron E. Johnson, C.P.M. – Director of Purchasing, 541-4308

DISTRICT(S) AFFECTED: 3

SUBJECT:

This item is to approve for Contract 2002-038C, a Resolution that the Mayor be authorized to sign an Eighth Amendment to State Use Contract - Contract for Cleaning Services with Texas Industries for the Blind and Handicapped and Professional Contract Services, Inc., to extend the term of the Contract for cleaning services in the terminal at the El Paso International Airport (EPIA) for an additional year in the amount of \$36,446.82 per month.

BACKGROUND / DISCUSSION:

This is a Contract by the City of El Paso (City) and the Department of Aviation and Texas Industries for the Blind and Handicapped (TIBH), a private non-profit corporation and the certifying party, and Professional Contract Services, Inc. (PCSI) the performing party, jointly referred to as "Contractor". Since the EPIA is in need of cleaning services in the terminal and since the Contractor is qualified to provide such services, the City entered into a Contract with the Contractor. The City has determined that it is in the best interest of the citizens of El Paso to employ severely disabled citizens to perform the cleaning services. PCSI is certified by TIBH as providing employment for the blind and/or severely disabled. The competitive bidding requirements of Local Government Code Section 252.021 do not apply to this Contract, which is in compliance with Chapter 122 of the Human Resources Code.

PRIOR COUNCIL ACTION:

The City entered into a State Use Contract – Contract for Cleaning Services, dated May 26, 1998; and the City and the Contractor amended the Contract extending the term until December 31, 2004, via an Amendment and via a Second, Third, Fourth, Fifth, Sixth and Seventh Amendment. Amendments to the Contract included scope and time changes to the original Contract.

AMOUNT AND SOURCE OF FUNDING:

The funding to be used is Airport Operating Funds. Funding is available in 62620005 - 502206.

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

Civil Service Commission will hear this request at their next regularly scheduled meeting.

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____
(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

DATE: December 1, 2004
TO: Municipal Clerk
FROM: Byron E. Johnson, C.P.M. *Wells*
EW Director of Purchasing x 4313
THRU: Aurora Wells
Bid Clerk ext. 4038

Please place the following item on the **CONSENT** agenda for the Council Meeting of **DECEMBER 14, 2004**.

Item should read as follows:

That the Mayor be authorized to sign a Eighth Amendment To State Use Contract – Contract for Cleaning Services with Texas Industries for the Blind and Handicapped and Professional Contract Services, Inc., to extend the term of the contract for cleaning services in the terminal at the El Paso International Airport for an additional year.

Contact person: Enrique Acosta Jr., Procurement Analyst at 541-4267.

AGENDA FOR: **DECEMBER 14, 2004**

PURCHASING DEPARTMENT

TO: Municipal Clerk
FROM: Byron E. Johnson, C.P.M. *[Signature]*
Director of Purchasing
THRU: Enrique Acosta Jr. *[Signature]*
Procurement Analyst
DATE: December 1, 2004

Please place the following item on the CONSENT COUNCIL AGENDA for the Council Meeting of December 14, 2004.

Item should read as follows:

That the Mayor be authorized to sign a Eighth Amendment To State Use Contract - Contract for Cleaning Services with Texas Industries for the Blind and Handicapped and Professional Contract Services, Inc., to extend the term of the contract for cleaning services in the terminal at the El Paso International Airport for an additional year.

MUNICIPAL CLERK'S USE: ITEM NO. _____

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the Eighth Amendment to that certain State Use Contract - Contract for Cleaning Services, dated May 26, 1998, by and between the City of El Paso and Texas Industries for the Blind and Handicapped and Professional Contract Services, Inc. (the "Contract"), to extend the term of the Contract for the provision of cleaning services in the El Paso International Airport Terminal for an additional year.

ADOPTED this 14th day of December, 2004.

CITY OF EL PASO

Joe Wardy
Mayor

ATTEST:

Richarda D. Momsen
Municipal Clerk

APPROVED AS TO FORM:



Jorge Villegas
Assistant City Attorney

STATE OF TEXAS)
)
COUNTY OF EL PASO)

**EIGHTH AMENDMENT
TO
STATE USE CONTRACT - CONTRACT FOR CLEANING SERVICES**

El Paso International Airport, El Paso, Texas

THIS Eighth Amendment to that certain State Use Contract – Contract For Cleaning Services, dated May 26, 1998, (the “Contract”) is made on the date set out below by the City of El Paso, (“City”) and Texas Industries for the Blind and Handicapped, a private non-profit corporation (“Texas Industries”), and Professional Contract Services, Inc. (“Professional Services”). Hereinafter, Texas Industries and Professional Services shall collectively be referred to as the “Contractor”.

RECITALS

WHEREAS, the City entered into the Contract, whereby the Contractor agreed to perform cleaning services for the City’s airport as provided for therein;

WHEREAS, the Contract has been amended seven previous times to extend its term and modify its scope and pricing; and

WHEREAS, the City and the Contractor hereby wish to amend the Contract to extend its term to December 31, 2005.

AGREEMENT

NOW, THEREFORE, for and in consideration of the foregoing recitals and of the mutual promises and covenants of the parties contained herein, and intending to be legally bound hereby, the parties hereto agree as follows:

1. **ARTICLE 2 TERM** of the Contract is hereby amended to read as follows:

“This Contract shall become effective on January 1, 2005 and shall terminate on December 31, 2005.”

2. ARTICLE 4 PAYMENT of the Contract is hereby amended by adding the following sentence:

“In consideration for the services provided by PCSI as stated herein, the City agrees to pay TIBH the sum of \$36,446.82 per month for the period from January 1, 2005 through December 31, 2005.”

3. All parties agree that this Eighth Amendment has been freely negotiated by all parties and that in any controversy, dispute, or contest over the meaning, interpretation, validity, or enforceability of the Contract as amended, there shall be no inference, presumption, or conclusion drawn whatsoever for or against any party by virtue of that party having drafted this Contract as amended.
4. Each person signing this document on behalf of Texas Industries and Professional Services, represents and warrants that he or she has the authority to legally bind that entity to the provisions hereof and that the representations made to the City as inducement to enter into the original Contract are still true.
5. Regardless of the day executed, this Eight Amendment shall be effective as of January 1, 2005.

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IN WITNESS WHEREOF, the parties have hereunto set their hands this 14th day of
December, 2004.

CITY OF EL PASO

Joe Wardy
Mayor

ATTEST:

Richarda D. Momsen
Municipal Clerk

APPROVED AS TO FORM:

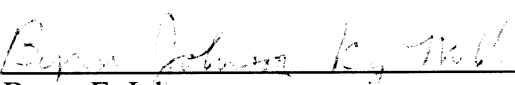


Jorge Villegas
Assistant City Attorney

APPROVED AS TO CONTENT:

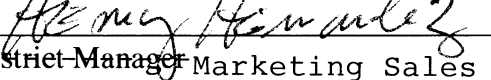
Pat Abeln
Director of Aviation

APPROVED AS TO CONTENT:



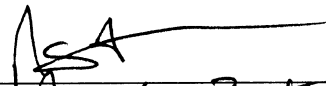
Byron E. Johnson
Director of Purchasing

**TEXAS INDUSTRIES FOR
THE BLIND AND HANDICAPPED,
a non-profit corporation**

By: 

~~District Manager~~ Marketing Sales Rep
~~Leo Devera~~ Henry Hernandez

**PROFESSIONAL CONTRACT
SERVICES, INC.**

By: 

Name: Ace L. Burt
Title: President & CEO

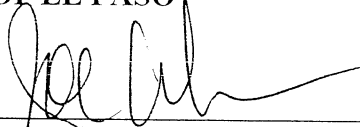
RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Seventh Amendment to State Use Contract - Contract for Cleaning Services with Texas Industries for the Blind and Handicapped; and Professional Contract Services, Inc., pertaining to cleaning services at the El Paso International Airport.


ADOPTED this 22nd day of December 2003.

CITY OF EL PASO



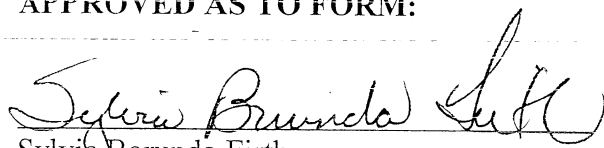
Joe Wardy
Mayor

ATTEST:



Richarda D. Momsen
City Clerk

APPROVED AS TO FORM:



Sylvia Borunda Firth
Assistant City Attorney

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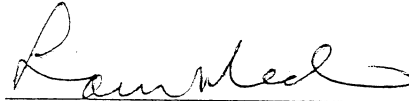
RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Sixth Amendment to State Use Contract - Contract for Cleaning Services with Texas Industries for the Blind and Handicapped; and Professional Contract Services, Inc., pertaining to cleaning services at the El Paso International Airport.

ADOPTED this 23th day of December, 2002.

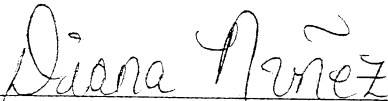
CITY OF EL PASO



~~Raymond C. Caballero~~

Mayor ~~PRO-TEM~~
LARRY M. MEDINA

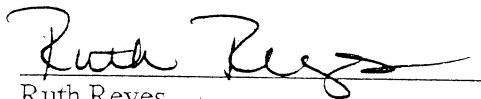
ATTEST:



for Richarda D. Momsen
City Clerk

Deputy City Clerk

APPROVED AS TO FORM:



Ruth Reyes
Assistant City Attorney

03 FEB -6 PM 12:15
PURCHASING DEPARTMENT

4K+

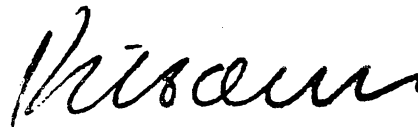
RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Fifth Amendment To State Use Contract - Contract for Cleaning Services with Texas Industries for the Blind and Handicapped and Professional Contract Services, Inc., pertaining to cleaning services at the El Paso International Airport.

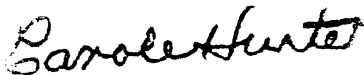
ADOPTED this ____18th____ day of December, 2001.

CITY OF EL PASO



Raymond C. Caballero
Mayor

ATTEST:

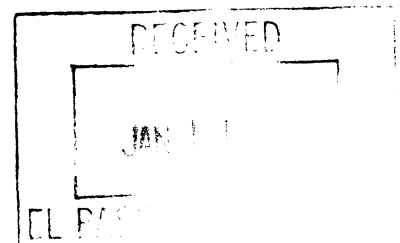


Carole Hunter
City Clerk

APPROVED AS TO FORM:



Ruth Reyes
Assistant City Attorney



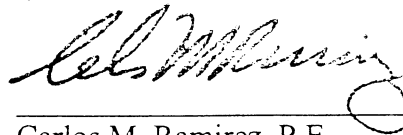
RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Fourth Amendment To State Use Contract
- Contract for Cleaning Services with Texas Industries for the Blind and Handicapped
and Professional Contract Services, Inc., pertaining to cleaning services at the El Paso
International Airport.

ADOPTED this 19th day of December, 2000.

CITY OF EL PASO



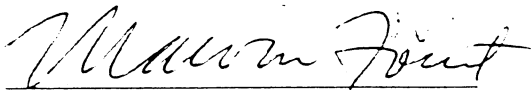
Carlos M. Ramirez, P.E.
Mayor

ATTEST:



Carole Hunter
City Clerk

APPROVED AS TO FORM:



Marvin Foust
Assistant City Attorney

2002-038

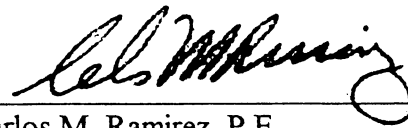
RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Third Amendment To State Use Contract - Contract For Cleaning Services with Texas Industries For the Blind and Handicapped and Physically Challenged Service Industries, Inc., pertaining to cleaning services at the El Paso International Airport.

ADOPTED this 28th day of December, 1999.

CITY OF EL PASO



Carlos M. Ramirez, P.E.
Mayor

ATTEST:



Carole Hunter
City Clerk

APPROVED AS TO FORM:



Marvin Foust
Assistant City Attorney

200.2-038

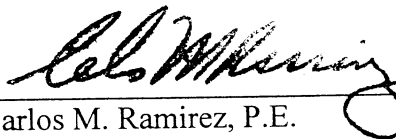
RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign A Second Amendment To State Use Contract - Contract For Cleaning Services with Texas Industries For the Blind and Handicapped and Physically Challenged Service Industries, Inc., pertaining to cleaning services at the El Paso International Airport.

ADOPTED this 29th day of June, 1999.

CITY OF EL PASO



Carlos M. Ramirez, P.E.
Mayor

ATTEST:



Carole Hunter
City Clerk

APPROVED AS TO FORM:



Marvin Foust
Assistant City Attorney

2

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the Amendment To State Use Contract - Contract For Cleaning Services with Texas Industries For the Blind and Handicapped and Physically Challenged Service Industries, Inc., pertaining to cleaning services at the El Paso International Airport.

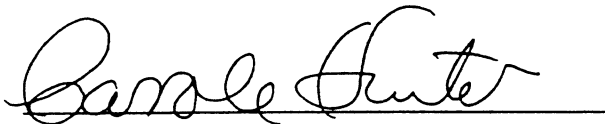
ADOPTED this 12th day of January, 1999.

CITY OF EL PASO



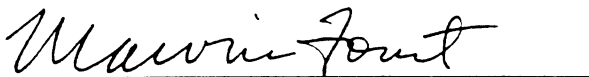
Mayor **PRO-TEM**

ATTEST:



Carole Hunter
City Clerk

APPROVED AS TO FORM:



Marvin Foust
Assistant City Attorney

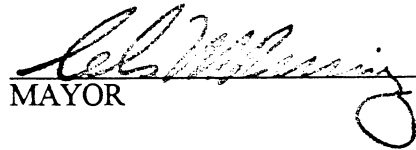
RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

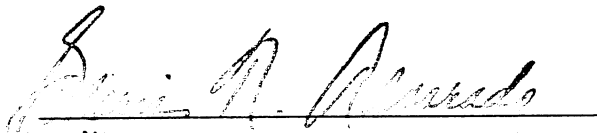
That the Mayor be authorized to execute a State Use Contract between the CITY OF EL PASO, TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED (TIBH), and PHYSICALLY CHALLENGED SERVICE INDUSTRIES, INC. (PCSI) to provide specified maintenance services for restrooms at the El Paso International Airport in the amount of \$31,180.61 monthly for the period from June 1, 1998, through December 31, 1998 and that it is in the best interest of the City for this janitorial function to be performed through contract. This Contract has received Civil Service Commission approval.

ADOPTED this 26th day of May, 1998.

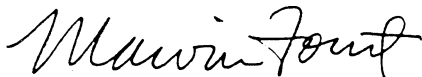
THE CITY OF EL PASO


MAYOR


ATTEST:


ALTERNATE
City Clerk

APPROVED AS TO FORM:


Marvin K. Foust
Assistant City Attorney

APPROVED AS TO CONTENT:


William B. Rankin II
Director of Aviation